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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,957

11/18/2003

William H. Davis

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05/17/2006

BUCHANAN INGERSOLL PC  
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
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EXAMINER

ROBINSON, KEITH O NEAL

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

### **SUPPLEMENTAL EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 1, line 2 of the Examiner's Amendment in the Notice of Allowance mailed April 18, 2006, the Examiner mistakenly typed the word "whole" instead of the word "wheat"

The application has been amended as follows: 1. (Currently Amended) A process is provided for selecting a [whole] wheat plant which exhibits genetically-controlled naturally-occurring glyphosate herbicide resistance that is not attributable to genetic engineering consisting of:

(a) soaking mature wheat seeds that [in the absence of induced mutagenesis which] have not been mutagenized and are not genetically engineered for herbicide resistance in a liquid comprising glyphosate herbicide for a period of time sufficient for the glyphosate herbicide to reach the embryos of the wheat seeds,

(b) planting the wheat seeds following the soaking of step (a) in a growing medium and producing at least one wheat plant, and

(c) selecting a wheat plant from step (b) or from a subsequent generation that is produced following self-pollination which exhibits genetically-controlled naturally-occurring glyphosate herbicide resistance that is not attributable to a foreign gene for herbicide resistance introduced by genetic engineering.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith O. Robinson, Ph.D. whose telephone number is 571-272-2918. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith O. Robinson, Ph.D.

May 1, 2006

DAVID H. KRUSE, PH.D.  
PRIMARY EXAMINER

